

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE:)	
)	
PATHNET OPERATING, INC.,)	Case No. 01-12266-SSM
)	
Debtor.)	Chapter 7
<hr/>)	
)	
GORDON P. PEYTON, CHAPTER 7)	
TRUSTEE FOR PATHNET OPERATING,)	
INC.,)	
)	Adv. Proc. No. 03-1149
Plaintiff,)	
)	
v.)	
)	
BUTCH MAKI & ASSOCIATES)	
)	
Defendant.)	
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NOTICE OF DISMISSAL

Gordon P. Peyton, Chapter 7 Trustee for Pathnet Operating, Inc., by and through the undersigned counsel, hereby dismisses, with prejudice, the Complaint against Butch Maki & Associates, in this adversary proceeding pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), as incorporated herein by Federal Rule of Bankruptcy Procedure 7041.

Reston, Virginia
January 9, 2004

**Gordon P. Peyton, Chapter 7
Trustee for Pathnet Operating, Inc.**

By: /s/ J. David Folds
J. David Folds

**Counsel to Gordon P. Peyton,
Chapter 7 Trustee for Pathnet Operating, Inc.**

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid, this 9th
day of January, 2004 upon:

Thomas G. Rice, Esq.
Thomas G. Rice, P.C.
201 3rd Street, N.W., Ste. 1600
Albuquerque, NM 87102

/s/ J. David Folds
J. David Folds